

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

## **AGENDA FOR SPECIAL CITY COUNCIL MEETING**

---

**Monday, February 20, 2006**  
**10<sup>th</sup> Floor Conference Room, City Hall**  
**4:00 p.m.**

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, February 21, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

---

**Tuesday, February 21, 2006**  
**Council Chambers, City Hall**  
**8:00 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:00 a.m.: Roll call and Executive Session\*  
9:00 a.m.: Invocation and Pledge of Allegiance  
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

\*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation –Police and Fire Chaplain Sam Faraone**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. NATIONAL TRIO DAY**
- 2. NATIONAL ENGINEERS DAY**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

**NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

**CONSENT AGENDA**

- 1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of February 14, 2006 and Special City Council Meeting Minutes of January 30, 2006 (agenda review), February 6, 2006 and February 13, 2006.

- 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

- 3. RESOLUTIONS:**

**3A.** That the Mayor be authorized to sign a Memorandum of Understanding between the CITY OF EL PASO and the LOCAL 51, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, to amend the Articles of Agreement between the City and the Association to allow employees to participate in a six-month pilot program for sick leave reduction. [City Attorney's Office, John R. Batoon, (915) 541-4550]

**3B.** Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

1528 Ladrillo Place                      7,438.91  
Maria Elena De La Cruz  
[Development Services, William Stern, (915) 541-4800]

**District 8**

- 3C.** That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO and GUILLERMO DE SANTIAGO and MARISELA DE SANTIAGO for the acquisition of a parcel of land containing 7,100 square feet, more or less, described as the South 1/2 of Tract 108, North Valumbrosa, Unit Two, El Paso, El Paso County, Texas, in the amount of FOURTEEN THOUSAND TWO HUNDRED AND NO/100THS (\$14,200.00) to be used for the Roseway Street and Drainage Improvement Project. **(District 6)**. Project #: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000.  
[Deputy City Manager, Infrastructure and Development, Patricia D. Adaauto, (915) 541-4853]
- 3D.** That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO and JOSEFINA L. CARPIO for the acquisition of a parcel of land containing 1,020 square feet, more or less, described as a portion of Tract 12U, Block 46, Ysleta Grant, City of El Paso, El Paso County, Texas (Parcel 5), in the amount of TWO THOUSAND FOUR HUNDRED NINETY-FIVE AND NO/100THS (\$2,495.00) to be used for the Roseway Street and Drainage Improvement Project. **(District 6)**. Project #: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000.  
[Deputy City Manager, Infrastructure and Development, Patricia D. Adaauto, (915) 541-4853]
- 4. REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:
- 4A.** Rappa-Cruz, Sandra – Public Safety Calltaker  
[Police Department, Assistant Chief, Paul Cross, 564-7310]
- 4B.** Campos, Alex – Coach Operator  
[Mass Transit, Terry Lee Scott, (915) 534-5810]
- 5. APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]  
That the tax refunds listed on the attachment posted with this agenda be approved.  
(See attachment A)
- 6. DISCRETIONARY FUNDS:**  
  
Request to allocate \$1,900 from District 3 discretionary funds to purchase Neighborhood Crime Watch T-shirts. [Representative Jose Alexandro Lozano, (915) 541-4515]
- 7. PERSPECTIVA + 3D/I (P+3)**
- 7A.** Transfer \$ 70,000 from Esperanza Moreno (Eastside) Regional Branch Library to the Main Library project to augment furniture, fixture and equipment budget. These funds are from the project contingency and are savings to the Eastside Library project. Funding Source – 2000 QOL Bond Program **(Districts 5 and 8)**  
[Perspectiva + 3D/I (P+3), Veronica Harris, (915) 225-3451]
- 7B.** Transfer \$ 215,000 from Park Contingency Fund to the Westside Sports Complex to fund the first phase construction of an off-site parking lot on the El Paso Community College (EPCC) land in exchange for 25 acres owned by EPCC. Funding Source – 2000 QOL Bond Program **(District 1)**  
[Perspectiva + 3D/I (P+3), Veronica Harris, (915) 225-3451]

**8. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events. [Development Services, R. Alan Shubert, (915) 541-4560]

- 8A.** San Martin House of Hope to hold a foot race/walk on April 8, 2006 from 7:30 a.m. to 8:30 a.m. Route: Start on Texas at the Cotton intersection, continue on Texas and finish at Mesa. Approximately 150 persons, 4 vehicles will take part and 25 spectators are anticipated. This request includes permission to use amplification (1 small p.a. at start). PERMIT # 06-007 [Bill Barry] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TXDOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 12 OFFICERS AND 12 VEHICLES. ESTIMATED COST TO CITY: \$319.50 ESTIMATED COST TO APPLICANT: \$580.50. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 8B.** Special Olympics Texas Area-19 to hold an 8K Run/2 Mile Fun Walk on March 12, 2006 from 6:00 a.m. to 1:00 p.m. 8K Run Route: Start at corner of Stanton and Cincinnati, proceed on Cincinnati to Kansas, turn right on Kansas to Rim, turn left on Rim to Scenic, turn right on Scenic to top, turn around back on Scenic, proceed on Scenic to Robinson, turn left on Robinson to Madeline, turn left on Madeline to Cincinnati, turn left on Cincinnati and finish at finish line. 2 Mile Walk Route: Start at corner of Stanton and Cincinnati, proceed on Cincinnati to Kansas, turn right on Kansas to Kerbey, turn left on Kerbey to Rim, turn left on Rim to Scenic, turn left on Scenic to Robinson, turn left on Robinson to Coffin, turn right on Coffin to Cincinnati, turn left on Cincinnati and finish at finish line. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 p.a. system). PERMIT # 06-008 [Ralph Rodriguez] **(District 1)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 17 OFFICERS AND 17 VEHICLES. ESTIMATED COST TO CITY: \$426.00; ESTIMATED COST TO APPLICANT: \$1274.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

**REGULAR AGENDA****9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.  
Public comments are invited at the date of the scheduled public hearing.**

- 9A.** An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code, to create Chapter 2.94 (Regulation of Lobbying Activities) and sections thereunder; to create requirements for the registration and reporting of lobbyists; to restrict certain activities; and to create a penalty; the penalty being as in Sections 1.08.010-1.08.030 and 2.94.130 of the El Paso City Code.  
**(All Districts)** [Representative Beto O'Rourke, (915) 541-4268]

- 9B.** An Ordinance amending Title 2 (Administration and Personnel) Chapter 2.92 (Ethics), of the El Paso City Code, to amend Section 2.92.030 (Definitions); to add Sections 2.92.100 (Campaign Finances) and 2.92.110 (Disclosure of

Campaign Contributions); to create requirements applicable to the making, receiving and disclosing of campaign contributions; and to change the section number for the penalty section to 2.92.150; the penalty being as provided in Sections 1.08.010-1.08-030 and 2.92.150 of the El Paso City Code.

**(All Districts)** [Representative Beto O'Rourke, (915) 541-4268]

**PUBLIC HEARING WILL BE HELD ON MARCH 7, 2006 FOR ITEMS 9A –9B**

- 9C.** An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.08 (General Design and Use Regulations), Section 20.08.060.A. (Annexation), to provide that property annexed into the City's Corporate Limits shall be automatically classified as R-F (Ranch and Farm) zoning district, unless acted upon by the City Council at the time of annexation. The penalty is as provided in Chapter 20.68 of the El Paso City Code.

**(All Districts)** [Development Services, Kimberly Forsyth, (915) 541-4631]

- 9D.** An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.02 (General Provisions and Definitions) to add 20.02.722 (Secondary Advertising Signs), and also by amending Chapter 20.66 (Signs), Sections 20.66.090 (Application Procedure), 20.66.100 (Sign Permit Fee Formula), 20.66.130 (Prohibited Signs) and 20.66.300 (Commercial, Manufacturing, and Industrial Uses-C-1, C-2, C-3, C-4, M-1, M-2, P-C, M-3 and Q Districts), in order to allow secondary advertising signage and the regulation thereof. The penalty is as provided in Chapter 20.68 of the El Paso City Code.

**(All Districts)** [Development Services, Kimberly Forsyth, (915) 541-4631]

- 9E.** An Ordinance granting Special Permit No. ZON06-00001, to allow for a Planned Residential Development on Tracts 11A1 and 11C2, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Ada Lane and Zack Lateral. Applicants: Enrique Escobar and Sal Masoud. ZON06-00001

**(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]

**PUBLIC HEARING WILL BE HELD ON MARCH 14, 2006 FOR ITEMS 9C –9E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**10. MAYOR AND COUNCIL:**

- 10A.** Review and discussion of Building and Standards' demolition policy and inclusion of property pictures, district designation and property owner's contact phones numbers on agenda. [Representative Jose Alexandro Lozano, (915) 541-4515]
- 10B.** Discussion and action regarding the City of El Paso's 2006 Federal Legislative Agenda. **(All Districts)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

- 10C.** Discussion regarding Central Appraisal District proposed 10% increase in property values and alternative methods that City Council could recommend to the State of Texas as revenue sources to relieve some of the burden on homeowners. [Representative Ann Morgan Lilly, (915) 541-4151]
- 10D.** Discussion and action for the City of El Paso to investigate and otherwise audit the Central Appraisal District to determine whether 1. the proposed increase in valuation is justified; 2. valuations are consistent for similar structures; 3. valuations for commercial properties are consistent; 4. policies regarding valuation of commercial properties do not place an undue burden on residential taxpayers. [Representative Eddie Holguin, (915) 541-4178]
- 10E.** Discussion and action that the City of El Paso, in light of increased valuations for next, increase the tax exemption for the elderly and disabled an additional \$20,000 by year 2007. [Representative Jose Alexandro Lozano, (915) 541-4515]
- 10F.** Discussion and action in reference to Richard Schechter vs. The City of El Paso, Texas et al vs. Wildwood Developers, LLC, Cause No. 2005-7309 in the 327<sup>th</sup> Judicial District Court of El Paso County, Texas and Richard Schechter vs. The City of El Paso, Texas et al vs. Wildwood Developers, LLC, Cause No.08-05-00398-CV in the Eighth District Court of Appeals.  
[Representative Melina Castro, (915) 541-4400]
- 10G.** Discussion and action on requiring Council members to publicly explain a vote to abstain on any issue brought before Council.  
[Representative Beto O'Rourke, (915) 541-4268]
- 10H.** Discussion and action on a Resolution to support H.R. 3186, to allow military troops and their families in the U.S. to fully participate in all forms of affordable housing. [Representative Melina Castro, (915) 541-4400]

**11. CITY MANAGER:**

Discussion and action on an amendment to Sections 2, 7 and 13 of the City Council Rules of Order to revise the method of casting votes of the council by utilizing the electronic voting system, to revise the order of agenda items, and to clarify the manner in which the agenda items are announced during the meetings.

[City Manager, Joyce A. Wilson, (915) 541-4844]

**12. DEVELOPMENT SERVICES:**

- 12A.** Discussion and action on methods of calculating a proposed fee to be paid in lieu of parkland dedication required in Title 19 (Subdivisions) of the Municipal Code to allow for a proportional adjustment to cover the actual cost of full development of a park. **(All Districts)**

[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

- 12B.** Discussion and action on a Resolution that the City Manager be authorized to sign a Development Agreement, and subsequent amendments or extensions, by and between the CITY OF EL PASO, the EL PASO WATER UTILITIES-PUBLIC SERVICE BOARD, EAST MONTANA JOINT VENTURE, WHOLESALE LUMBER, INC., and SASHA A. VIRAMONTES, to set forth the rights and responsibilities between the parties to allow for the development of the property

located within the City's East Extraterritorial Jurisdiction and containing 593.16 acres; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities-Public Service Board. **(East Extraterritorial Jurisdiction - Adjacent to District 5)** [Development Services-Planning, Rudy Valdez, 541-4635]

### 13. FINANCIAL SERVICES:

Solicitation No:	2006-002	District IV Landscape & Parkway Improvements
Locations:		Magnetic Dr., Jon Cunningham Blvd., Kenworthy Dr., Sean Haggerty Dr., and McCombs St.
Contractor:		Blair-Hall Co., Inc. El Paso, Texas
Department:		Streets
Funds Available:		14200403-PBE04ST114C-29129-508027 14200403-PBE04ST114A-29129-508027
Funding Source:		2004 CIP
Items:	Base Bid	\$1,769,416.48
	Alternate #2	\$ 98,000.00
	Alternate #5	\$ 152,000.00
Total Award:		\$2,019,416.48
Estimated Completion Date:		September, 2006
District(s):		4

### RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Financial Services, Byron E. Johnson, (915) 541-4308]

### 14. PUBLIC HEARINGS – DEVELOPMENT SERVICES/PLANNING:

**14A.** An Ordinance changing the zoning of Tract 10-A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Borderland Road and Westside Drive. Applicants: E.P.V.W. LLC - James Volk, Welzie W. Webb and Juanita G. Webb Revocable Trust; Philippos Philippou, Edward Ecudero; F. James Volk. ZON05-00141 **(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]

**14B.** An Ordinance granting Special Permit No. ZON05-00142, to allow for a Planned Residential Development on Tract 10-A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City

Code. Subject Property: Borderland Road and Westside Drive. Applicants: E.P.V.W. LLC - James Volk, Welzie W. Webb and Juanita G. Webb Revocable Trust; Philippos Philippou, Edward Ecudero; F. James Volk. ZON05-00142 **(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]

**14C.** An Ordinance granting a Special Privilege to O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive for a "Mardi Gras Block Party" on Tuesday, February 28, 2006 and Wednesday, March 1, 2006. (Fee: \$137.50, SP-05030) **(District 8)**  
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

**14D.** An Ordinance changing the zoning of lots 18 through 24, Block 13, Revised map of Sahara Subdivision, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in chapter 20.68 of the El Paso City Code. Subject Property: Intersection of Saluki Dr, Manila Dr., and McCombs St. Applicant: Portico Homes. Representative: Oscar Andrade  
ZON05-00137 **(District 4)** [Development Services/Planning, Mirian Spencer, (915) 4723]  
**POSTPONED FROM 02-14-06**

**14E.** An Ordinance changing the zoning of a portion of Tracts 181 and 183, Sunrise Acres, El Paso, El Paso County, Texas from R-4 (Residential) to C-4/C (Commercial/Condition) and imposing certain conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8625 Gateway South. Applicant: Robert L. Martinez. ZON05-00139 **(District 2)**  
[Development Services/Planning, Christina Valles, (915) 541-4930] **POSTPONED FROM 02-14-06**

## **15. PUBLIC HEARINGS – ENGINEERING:**

An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII, Restriction on Parking in Residential Districts), of The El Paso City Code, to revise Subsection Zone M (No Parking 7:00 A.M. to 4:00 P.M., Monday through Friday, School Days Only) To include the North side of Cosmos Drive Between McRae Blvd. and Catnip Street. The Penalty as Provided In Section 12.84.010 Of The El Paso City Code. **(District 3)** [Engineering Department, Traffic Division, Ted Marquez, 541-4035] **POSTPONED FROM 2-7-06**

## **EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY  
Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
Section 551.074 PERSONNEL MATTERS  
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES  
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS



Discussion and action on the following:

**EX1.** *Ralph Dwain Kilgore and Carla Kilgore vs. City of El Paso*; Cause No. 2005-1035 (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]

**EX2.** *Richard Schecter vs. City of El Paso, et. al.*, Cause No. 2005-7309 (551.071) [City Attorney's Office, Laura Prendergast Gordon, (915) 541-4550]

**NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov>